



# HOW THE APRIL 19, 2021 GATHERINGS & FACE MASK ORDER AFFECTS PUBLIC LIBRARIES

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This information sheet is intended as a tool to assist in clarification and decision making for Public Library Directors and Boards. It is not intended as legal advice. Library Boards and Directors should consult with their library attorneys when determining a plan or policy for their libraries.

Libraries should be sure to consult the State of Michigan Coronavirus website and their local municipal and Health Department directives for additional guidance.

April 16, 2021

[https://www.michigan.gov/coronavirus/0,9753,7-406-98178\\_98455-557116--,00.html](https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-557116--,00.html)

## Q. When does the new order go into effect?

- A. The majority of the order goes into effect 12:01 am Monday April 19, 2021
- B. Sections 7(e) & 8(a) go into effect Monday, April 26, 2021

## Q. What are sections 7(e) & 8(a)?

A. Both have to do with face masks for children. They are not in effect until Monday, April 26, 2021.

**7(a)** *A person responsible for a child care organization or camp, or an agent of such person, must not allow gatherings unless:*

1. *Face masks are worn by all staff;*
2. *A good faith effort is made to ensure that children aged 2 to 4 years wear a mask when participating in gatherings;*
3. *All children 5 years and older wear a mask when participating in gatherings.*

**8(e)** *Exceptions to face mask requirements. Although a face mask is strongly encouraged even for individuals not required to wear one (except for children under the age of 2), the requirement to wear a face mask in gatherings as required by this order does not apply to individuals who:*

- a. *Are **younger than 2 years old** (This means that children **2 and older must wear face masks!**)*

## Q. Do the face mask requirements for children 2 and up apply to public libraries?

**A. Yes.** As of Monday, April 26, 2021, ALL children ages 2 and up must be masked while in the public library (unless they fall under one of the masking exceptions like medical condition or eating/drinking that are listed in section 8 of the order.

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**Q. How long is this new order in effect?**

**A.** This order is in effect until 11:59 pm on **Monday, May 24, 2021**, or until rescinded by MDHHS.

**Q. What are the gathering restrictions under the April 19, 2021 order?**

**A.** Non-residential gatherings are **STILL limited to 25 people** (no household limitation).

Non-residential outdoor gatherings are limited to 300.

**Q. What about in-person public meetings? They are exempt from the 25-person limit – right?**

**A. Yes.** Section 2(c)(15) exempts public meetings held under the OMA (Such as library board meetings) from the 25-person limit.

However, under section 2(d), these meetings must still comply with masking and social distancing requirements.

Therefore, a public meeting **still** can only **accommodate as many people as can fit in the room with social distancing**. The library must also still comply with occupancy limits of 50%. So, if a library decides to have an in-person board meeting, a library will have to determine what they will do if a member of the public shows up to attend and cannot be admitted because there is no more space (due to either the room being full with social distancing, or because the library is at its occupancy limit). Being denied entrance to a public meeting is a violation of the Open Meetings Act (See MCL 15.263 <http://legislature.mi.gov/doc.aspx?mcl-15-263>). (see Q. 5 in the MDHHS FAQ [https://www.michigan.gov/coronavirus/0,9753,7-406-98178\\_98455-555011--,00.html](https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-555011--,00.html))

This is a consideration that will be especially important to libraries with smaller meeting venues, or libraries that have been experiencing a high level of participation from the public.

A library can probably have a hybrid meeting, where, for example, the board attends in person, but the public attends virtually. However, technology for these meetings must be carefully placed so that the public can, at minimum, hear and be heard (2-way communication with board), and the public must be able to identify which board member is speaking and how board members vote.

In Sum, while this new MDHHS order DOES permit in-person public meetings, individual libraries will have to determine the meeting protocol that is the best option for their situation, taking into account the risks and the requirements of each option.

**Virtual meetings are still an option under the OMA for those libraries located in a municipality that has declared a State of Emergency.**

**Libraries are encouraged to consult their attorneys for advice about public meeting arrangements.**

**Q. Can I have a Staff Meeting in my library?**

**A.** Yes, as long as the meeting room can accommodate the group, is 25 persons or less, with social distancing, and masking enforced.

**Q. Can our library have indoor programming?**

**A. Yes**, as long as there are not more than 25 persons (including staff) participating in the program, AND masks and social distancing is enforced (however there cannot be more participants than can fit in the chosen venue/room with 6ft or social distancing).

**Q. Can our library have outdoor programming?**

**A. Yes**- Up to 300 participants (However – participants must be limited to the number than can fit within the chosen outdoor space with 6ft of social distancing). Masking and social distancing must be enforced.

**Q. What about Occupancy Limits?**

**A.** Occupancy limits are still 50% of the total occupancy of libraries. The occupancy limit still includes staff.

**Q. Anything else of note?**

**A.** 1) Libraries with cafés or food services where food is prepared and served to the public, or who are providing food to patrons to eat on the premises, may also wish to review requirements in section 3(b) of the order and consult with their attorney to discover if they should be following those guidelines.

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